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10/675,808

09/30/2003

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BP-87

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EXAMINER

LAO, LUN S

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/675,808  
Filing Date: September 30, 2003  
Appellant(s): SOLDERITS, THOMAS

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Friedrich Kueffner  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 03-25-2008 appealing from the Office action mailed 10-16-2007.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

Claims 1-2, 4-6 and 8 are allowed. Claim 9 remains rejected.

**(4) Status of Amendments After Final**

The amendment after final rejection filed on 01-22-2008 has been entered.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

Killion et al.	(US PAT. 6,151,399)	11-21-2000
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**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Killion (US PAT. 6,151,399).

Consider claim 9, Killion teaches a microphone having a sensitivity stipulated within narrow limits (sensitivity of the equalized directional microphone), comprising:

a microphone capsule (reads on cartridge (30, 20) in fig. 5);

an amplifier (160 in fig.5); and

a network of passive components (61A-61E) allocated to the amplifier, at least one of the passive components being disconnected (61A, 61B, 61D and 61E disconnected, as shown in fig. 5), wherein the network of passive components and the amplifier are mounted on a single circuit board (60) (see figs. 4A, 5 and col. 8, line 10-55).

#### **(10) Response to Argument**

1. Appellant's arguments regarding claims 1-2, 4-6 and 8 are moot in view of their allowed status.

2. Regarding whether claim 9 is anticipated under 35 U.S.C. 102 (b) by Killion (Brief, page 5)

Appellant alleged that independent claim 9 is identical to independent claim 5 except that the amplifier and the network of passive components are mounted in a circuit board (Brief, page 5, 2<sup>nd</sup> paragraph).

The examiner respectfully disagrees. The current claim 9 and claim 5 read as follows.

9. A microphone having a sensitivity stipulated within narrow limits, comprising:	5. A microphone having a sensitivity stipulated within narrow limits, comprising:
	a housing;
A microphone capsule;	a microphone capsule;
an amplifier; and	an amplifier; and
a network of passive components allocated to the amplifier, at least one of the passive components being disconnected, wherein the network of passive components and the amplifier are mounted on a <u>single circuit board</u> .	a network of passive components allocated to the amplifier, at least one of the passive components being disconnected, <u>wherein disconnection of the disconnected component occurs by destruction of an electrical feed line of the component by a laser beam directed through openings in the housing.</u>

Clearly, claim 5 does not include the critical and argued limitation “wherein disconnection of the disconnected component occurs by destruction of an electrical feed line of the component by a laser beam directed through openings in the housing.”

On page 6, starting from the 2<sup>nd</sup> paragraph, appellant alleged that the Killion reference fails to teach the disconnecting “which according to the present invention, includes destroying the passive components with a laser beam directed through openings in the housing.” As evidenced from the side by side listing above, claim 9 does not require destroying the passive components with a laser beam directed through openings in the housing. Therefore, the argument is not persuasive.

From page 6, 3<sup>rd</sup> paragraph to page 7, 1<sup>st</sup> paragraph, appellant alleged the prior art does not teach conducting a laser beam through an opening in the housing in order to destroy a passive component in order to alter amplification of this amplifier.

The examiner’s position is that this feature is not recited in claim 9 and thus the argument is not persuasive.

On page 7, in the 2<sup>nd</sup> paragraph, appellant alleged that the European reference 0 451 549 A is more relevant with respect to the present invention. It appears unclear whether appellant believed that a prior art rejection should have been considered.

As discussed in detailed in the rejection, Killion teaches, among others, a network of passive components 61A-61E allocated to the amplifier 160. As shown in fig. 5, passive components 61A, 61B, 61D and 61E are disconnected and only 61C is connected. Therefore, Killion meets a network of passive components allocated to the amplifier, at least one of the passive components being disconnected, as recited in claim 9.

For the above reasons, it is believed that the rejection should be sustained.

Respectfully submitted,

Lun-See, Lao

/Lun-See Lao/

Examiner, Art Unit 2615

June 7, 2008

Conferees:

/Vivian Chin/

Supervisory Patent Examiner, Art Unit 2615

/Curtis Kuntz/

Supervisory Patent Examiner, Art Unit 2614

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.